

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF OREGON  
PORTLAND DIVISION

**BARBARA GIFFORD and KEVIN  
GIFFORD,**

Civil No. 09-639-PK

Plaintiffs,

O R D E R

v.

**BANK OF AMERICA, et al.,**

Defendants.

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KING, Judge:

The Honorable Paul Papak, United States Magistrate Judge, filed Findings and Recommendation on July 9, 2010. The matter is before this court. See 28 U.S.C. § 636(b)(1)(B) and Fed. R. Civ. P. 72(b). No objections have been timely filed. This relieves me of my obligation to give the factual findings de novo review. Lorin Corp. v. Goto & Co., Ltd., 700 F.2d 1202, 1206 (8th Cir. 1983); See also Britt v. Simi Valley Unified School Dist., 708 F.2d 452, 454 (9th Cir. 1983). Having reviewed the legal principles de novo, I find no error.

Accordingly, I ADOPT Magistrate Judge Papak's Findings and Recommendation dated July 7, 2010 (#47) in its entirety.

IT IS HEREBY ORDERED that Bank of America's Motion for Judgment on the Pleadings (#43) is granted. All claims except the TILA claim for rescission are dismissed with prejudice. Plaintiffs may file an Amended Complaint by September 7, 2010, which corrects the deficiencies in the TILA claim for rescission. If plaintiffs fail to file an Amended Complaint by the deadline, I will dismiss the entire case with prejudice.

DATED this 9<sup>th</sup> day of August, 2010.

/s/ Garr M. King

GARR M. KING  
United States District Judge